

ORIGINAL

**Before the
Federal Communications Commission
Washington, D.C.**

In the Matter of)	
)	
Amendment of Section 73.622(b) of)	MM Docket No. 01-334
The Commission's Rules, DTV)	RM No. 10343
Table of Allotments)	
(Green Bay ,Wisconsin))	

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To: The Chief, Allocations Branch:

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~~FEDERAL COMMUNICATIONS COMMISSION~~
OFFICE OF THE SECRETARY

COMMENTS

1. CBS Broadcasting, Inc. ("CBS"), the licensee of television station WFRV-DT, Green Bay, Wisconsin, hereby submits comments in support of the Commission's Notice of Proposed Rulemaking in the above-captioned proceeding.

2. CBS is the licensee of WFRV-TV, Green Bay, Wisconsin, which currently operates on NTSC Channel 5. On August 6, 2001, CBS filed with the Commission a petition for rulemaking ("petition") to amend the Table of Allotments for the Digital Television ("DTV") service to change the DTV channel allotment for station WFRV-DT from Channel 56 to Channel 39. On December 14, 2001, the Commission released a Notice of Proposed Rulemaking seeking comment on CBS' proposed channel change.

3. In support of its petition, CBS noted that Channel 56 is outside the core television spectrum as adopted by the Commission. As a result, CBS would eventually need to transition WFRV-DT to a channel within the future core television spectrum. Such a transition would impose an unnecessary burden upon CBS by requiring it to construct a second DTV facility for WFRV-DT during the DTV transition. Additionally, it would delay the availability of spectrum occupied by DTV Channel 56 for use by new services. Because a suitable channel is currently available within the future core

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television spectrum, CBS proposed to amend the DTV Table of Allotments to substitute Channel 39 in place of Channel 56 at Green Bay, Wisconsin for use by WFRV-DT.

4. In support of its petition, CBS submitted an engineering exhibit prepared by Denny & Associates, P.C., which demonstrated that, while the requested DTV Channel 39 allotment facilities exceed the facilities allotted to DTV Channel 56 at Green Bay, Wisconsin, the requested facilities herein comply with the provisions of Section 73.622(f)(5) of the Commission's rules with respect to not exceeding the coverage of the largest station in the market. Because Station WBAY-DT, also located in Green Bay, Wisconsin, operates under authorized facilities that exceed the coverage of that proposed for WFRV-DT on Channel 39 herein, CBS' proposal for WFRV-DT is consistent with Section 73.622(f)(5) of the Commission's rules.

5. Further, as demonstrated in CBS' engineering exhibit, the proposed substitution of Channel 39 for WFRV-DT herein complies with the principal community coverage requirements of Section 73.625(a) of the Commission's rules. Moreover, CBS' proposal herein fully complies with the *de minimis* interference criteria of Section 73.623(c)(2) of the Commission's rules. Finally, CBS' proposal for Channel 39 for WFRV-DT more than replicates WFRV-TV's existing NTSC operation. CBS resubmits the engineering exhibit from its August 6, 2001, petition in support of its comments herein.

6. CBS thus supports amending the DTV Table of Allotments to substitute Channel 39 in lieu of Channel 56 for the use of WRV-DT. CBS has demonstrated that its proposed substitution of Channel 39 for Channel 56 for WFRV-DT is fully consistent with Commission rules and will help facilitate an efficient use of Commission spectrum.

7. Accordingly, CBS respectfully requests that the Commission amend the DTV Table of Allotments to allot and assign DTV Channel 39 (in lieu of Channel 56) to Green Bay, Wisconsin, for use by WFRV-DT.

Respectfully submitted,
CBS Broadcasting, Inc.

By: Raymond A. White
Raymond A. White
Assistant General Counsel

CBS Broadcasting, Inc.
600 New Hampshire Avenue, N.W.
Suite 1200
Washington, D.C. 20037
(202) 457-4514

December 17, 2001

DENNY & ASSOCIATES, P.C.
CONSULTING ENGINEERS
OXON HILL, MARYLAND

**ENGINEERING EXHIBIT
IN SUPPORT OF A PETITION FOR
RULE MAKING TO MODIFY
THE DTV TABLE OF ALLOTMENTS
STATION WFRV-DT GREEN BAY, WISCONSIN
CBS BROADCASTING, INC.**

ENGINEERING STATEMENT

INTRODUCTION

The Engineering Exhibit, of which this statement is part, has been prepared on behalf of CBS Broadcasting, Inc. (herein CBS), licensee of television station WFRV-TV, Green Bay, Wisconsin, in support of a petition for rule making to amend the DTV Table of Allotments in Section 73.622(b) of the Federal Communications Commission (FCC) Rules. CBS proposes substitution of DTV channel 39 for DTV channel 56 at Green Bay, Wisconsin. The substitution will provide WFRV-DT a channel within the future core television spectrum. The requested change to the DTV Table of Allotments can be made in full conformance with the FCC Rules.

BACKGROUND

WFRV-TV is licensed for operation on channel 5 with a maximum peak visual effective radiated power (ERP) of 100 kilowatts (kW), circularly

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polarized, and antenna radiation center height above average terrain (HAAT) of 341 meters. Pursuant to the *Second Memorandum Opinion And Order On Reconsideration Of The Fifth And Sixth Report And Orders* (2nd MO&O) in FCC Mass Media Docket 87-268, NTSC channel 5 in Green Bay, Wisconsin, was allotted DTV channel 56. The allotment reference facilities for DTV channel 56 at Green Bay are with a maximum average ERP of 1,000 kW and antenna radiation center HAAT of 341 meters.

Channel 56 is outside the future core television spectrum (channels 2-51) adopted by the FCC. As a result, CBS would eventually need to transition WFRV-DT to a channel within the future core television spectrum. This will impose an unnecessary burden on CBS since they will need to construct a second DTV facility for WFRV-DT during the DTV transition. Additionally, it will delay the availability of spectrum occupied by the DTV channel 56 facility for use by new services.

Since a suitable channel is currently available within the future core television spectrum, CBS requests that the DTV Table of Allotments in Section 73.622(b) of the FCC Rules be amended to reflect the substitution of

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DTV channel 39 for the existing DTV channel 56 allotment at Green Bay, Wisconsin. Furthermore, that the following reference facilities be employed for the DTV channel 39 allotment at Green Bay.

Latitude: 44° 20' 01"
Longitude: 87° 58' 56" (NAD 27)
Channel: 39
Maximum ERP: 1000 kW
Antenna Radiation Center HAAT: 364 meters
Directional Antenna: Dielectric, type TUD-C5SP-14/70H-1

The specification of a directional antenna as part of the allotment reference facilities is necessary to provide adequate interference protection to other stations. The horizontal plane relative field radiation pattern and associated tabulation for the proposed Dielectric Communications, type TUD-C5SP-14/70H-1 antenna are included as Figure 1 of this exhibit.

While the requested DTV channel 39 allotment reference facilities exceed the facilities allotted to DTV channel 56 at Green Bay, they comply with the provision of Section 73.622(f)(5) of the FCC Rules with regards to not exceeding the coverage of the largest station in the market. Station WBAY-DT, Green Bay, is authorized, FCC File Number BPCDT-19991021ACC, for DTV operation on channel 23, employing a nondirectional antenna with a ERP of

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1,000 kW and antenna radiation center HAAT of 372 meters. Since the authorized WBAY-DT facilities exceed those proposed herein for DTV channel 39 at Green Bay, it is axiomatic that the coverage area for the proposed DTV channel 39 at Green Bay will not exceed the coverage of the largest station within the Green Bay market.

PRINCIPAL COMMUNITY COVERAGE

The proposed substitution of DTV channel 39 for DTV channel 56 at Green Bay, Wisconsin, complies with the principal community coverage requirements of Section 73.625(a) of the FCC Rules. The DTV principal community contour for the proposed DTV channel 39 allotment at Green Bay, Wisconsin, is the 48 dB μ F(50,90) contour. Figure 2 of this exhibit is a portion of the USGS Wisconsin, 1:1,000,000 scale map showing that all of Green Bay, Wisconsin, lies well within the predicted DTV channel 39 principal community coverage contour.

ALLOCATION CONSTRAINTS

The requested substitution of DTV channel 39 for DTV channel 56 at Green Bay, Wisconsin, complies fully with the *de minimis* interference

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criteria of Section 73.623(c)(2) of the FCC Rules. An analysis of the proposed DTV channel 39 allotments with respect to existing NTSC and DTV allotments and assignments was conducted employing the methodology described in FCC Office of Engineering Technology (OET) Bulletin No. 69 (Bulletin 69), *Longley-Rice Methodology for Evaluating TV Coverage and Interference*, and using the FCC application processing software computer program which performs Bulletin 69 calculations. While the raw output of the computer analysis is too lengthy to include herein, a summary has been included as Figure 3 of this exhibit. The raw output of the computer analysis is available upon request.

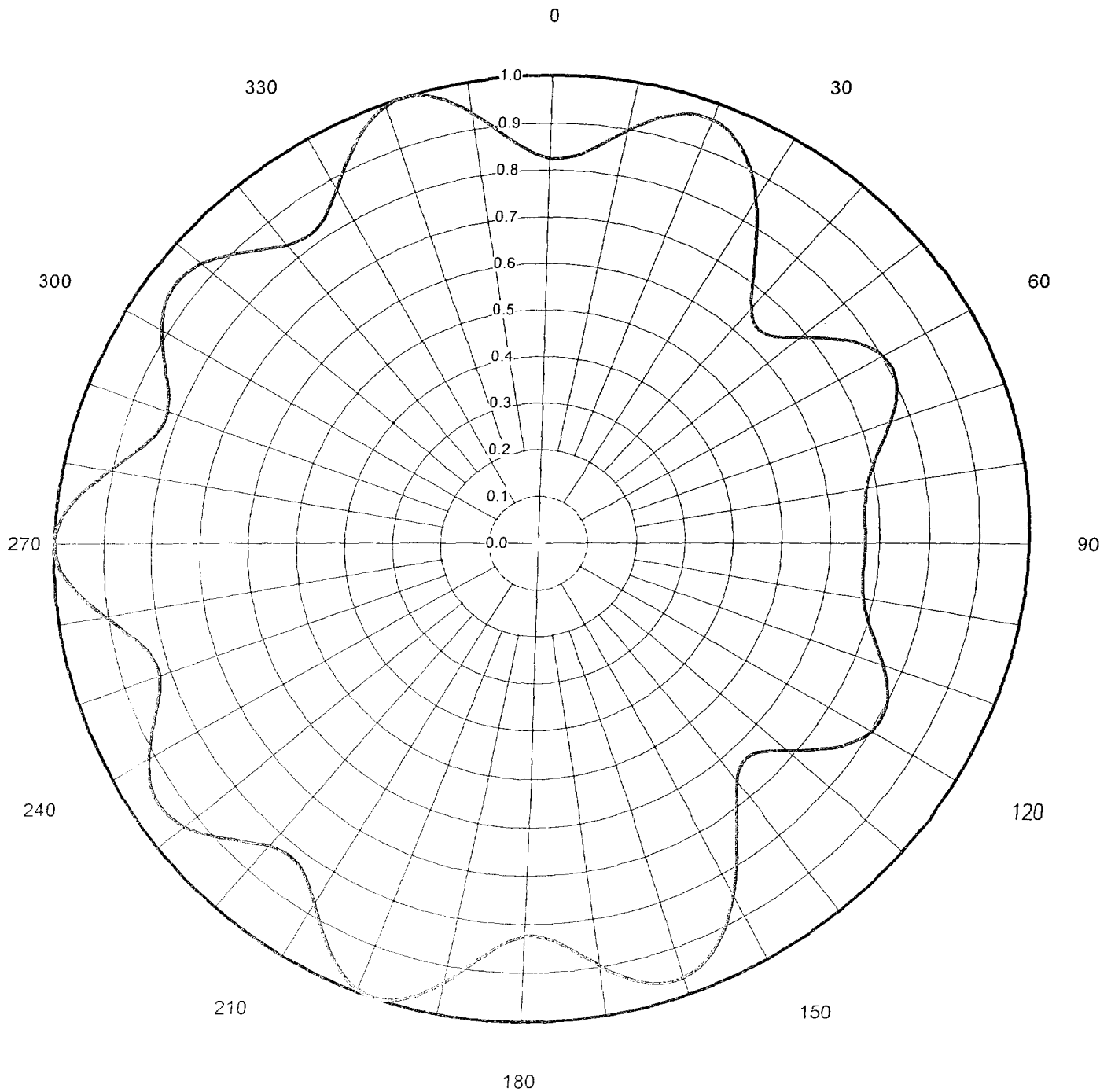
A Bulletin 69 analysis was also performed to determine the predicted population served by the proposed DTV channel 39 facility. The analysis predicts that 997,444 persons will receive digital television service during the transition from the DTV channel 39 facility. Appendix B from the 2nd MO&O predicts that 988,000 persons currently receive television service from the associated NTSC station WFRV-TV. Hence the proposed DTV channel 39 facility more than replicates the existing NTSC operation.

Proposal Number	DCA-8938	Revision:	3
Date	6-Jun-01		
Call Letters		Channel	39
Location	Greenbay, WI		
Customer	CBS		
Antenna Type	TUD-C5SP-14/70H-1		

AZIMUTH PATTERN

Gain	1.39	(1.43 dB)
Calculated / Measured	Calculated	

Frequency	623.00 MHz
Drawing #	TUD-C5SP-623



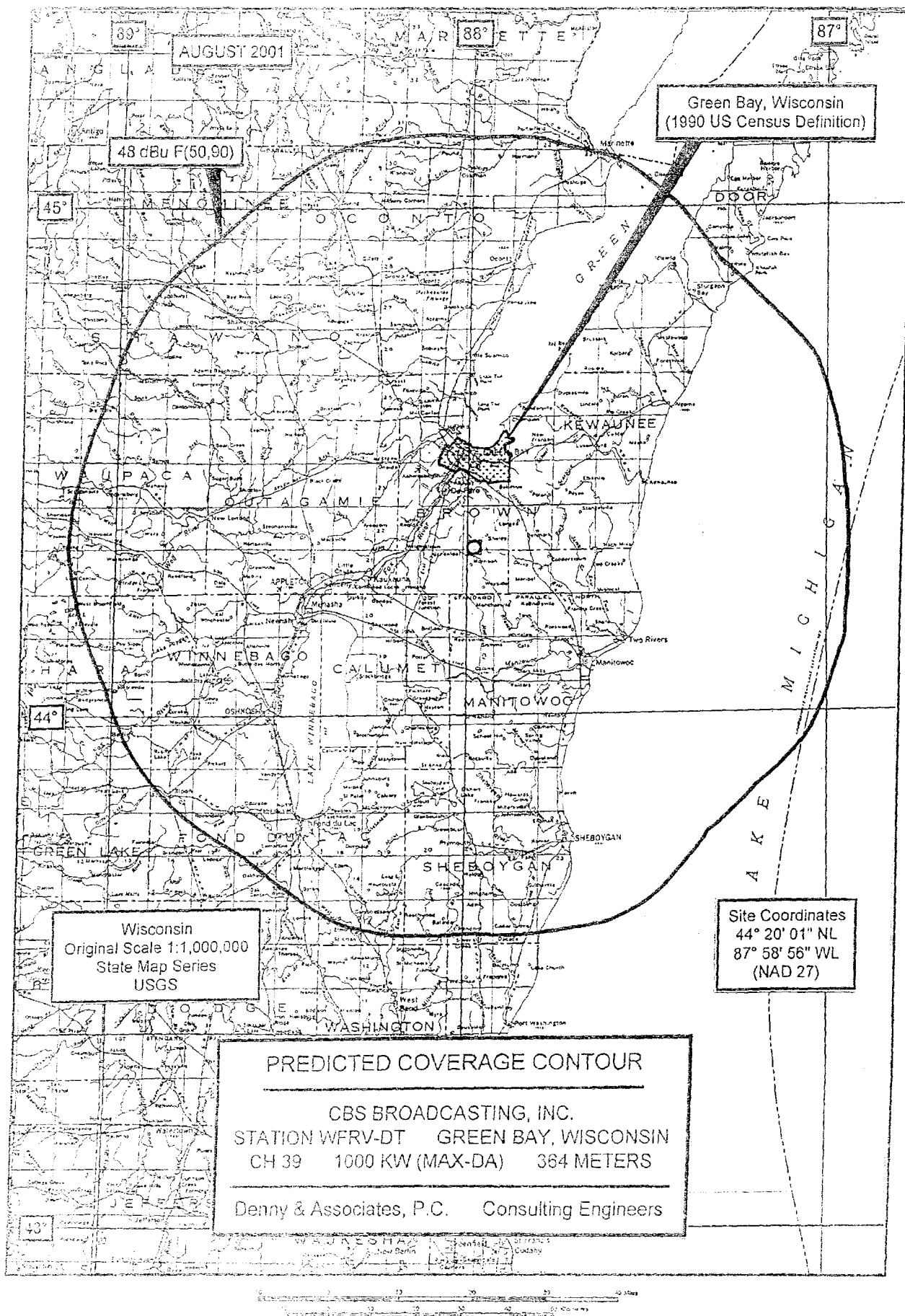
Proposal Number **DCA-8938** Revision: **3**
 Date **6-Jun-01**
 Call Letters Channel **39**
 Location **Greenbay, WI**
 Customer **CBS**
 Antenna Type **TUD-C5SP-14/70H-1**

TABULATION OF AZIMUTH PATTERN

Azimuth Pattern Drawing #: **TUD-C5SP-623**

Angle	Field	Angle	Field	Angle	Field	Angle	Field	Angle	Field	Angle	Field	Angle	Field	Angle	Field
0	0.824	45	0.635	90	0.669	135	0.635	180	0.824	225	0.883	270	1.000	315	0.883
1	0.823	46	0.640	91	0.669	136	0.633	181	0.827	226	0.894	271	0.999	316	0.872
2	0.825	47	0.648	92	0.669	137	0.634	182	0.833	227	0.905	272	0.995	317	0.861
3	0.828	48	0.659	93	0.669	138	0.638	183	0.841	228	0.915	273	0.990	318	0.851
4	0.834	49	0.671	94	0.669	139	0.646	184	0.851	229	0.924	274	0.982	319	0.842
5	0.842	50	0.685	95	0.669	140	0.656	185	0.863	230	0.931	275	0.972	320	0.834
6	0.851	51	0.699	96	0.670	141	0.670	186	0.876	231	0.937	276	0.961	321	0.828
7	0.862	52	0.714	97	0.671	142	0.685	187	0.890	232	0.942	277	0.948	322	0.825
8	0.873	53	0.729	98	0.672	143	0.703	188	0.905	233	0.945	278	0.934	323	0.823
9	0.885	54	0.743	99	0.675	144	0.723	189	0.920	234	0.946	279	0.920	324	0.824
10	0.897	55	0.756	100	0.678	145	0.743	190	0.934	235	0.945	280	0.905	325	0.827
11	0.909	56	0.768	101	0.682	146	0.765	191	0.948	236	0.942	281	0.890	326	0.833
12	0.920	57	0.779	102	0.688	147	0.786	192	0.961	237	0.937	282	0.876	327	0.841
13	0.931	58	0.788	103	0.694	148	0.807	193	0.972	238	0.931	283	0.863	328	0.851
14	0.940	59	0.795	104	0.701	149	0.828	194	0.982	239	0.924	284	0.851	329	0.863
15	0.948	60	0.800	105	0.710	150	0.849	195	0.990	240	0.915	285	0.841	330	0.876
16	0.955	61	0.804	106	0.718	151	0.868	196	0.995	241	0.905	286	0.833	331	0.890
17	0.960	62	0.805	107	0.728	152	0.885	197	0.999	242	0.894	287	0.827	332	0.905
18	0.963	63	0.804	108	0.738	153	0.902	198	1.000	243	0.883	288	0.824	333	0.920
19	0.965	64	0.802	109	0.748	154	0.916	199	0.999	244	0.872	289	0.823	334	0.934
20	0.964	65	0.798	110	0.758	155	0.929	200	0.995	245	0.861	290	0.825	335	0.948
21	0.961	66	0.792	111	0.768	156	0.940	201	0.990	246	0.851	291	0.828	336	0.961
22	0.956	67	0.785	112	0.777	157	0.949	202	0.982	247	0.842	292	0.834	337	0.972
23	0.949	68	0.777	113	0.785	158	0.956	203	0.972	248	0.834	293	0.842	338	0.982
24	0.940	69	0.768	114	0.792	159	0.961	204	0.961	249	0.828	294	0.851	339	0.990
25	0.929	70	0.758	115	0.798	160	0.964	205	0.948	250	0.825	295	0.861	340	0.995
26	0.916	71	0.748	116	0.802	161	0.965	206	0.934	251	0.823	296	0.872	341	0.999
27	0.902	72	0.738	117	0.804	162	0.963	207	0.920	252	0.824	297	0.883	342	1.000
28	0.885	73	0.728	118	0.805	163	0.960	208	0.905	253	0.827	298	0.894	343	0.999
29	0.868	74	0.718	119	0.804	164	0.955	209	0.890	254	0.833	299	0.905	344	0.995
30	0.849	75	0.710	120	0.800	165	0.948	210	0.876	255	0.841	300	0.915	345	0.990
31	0.828	76	0.701	121	0.795	166	0.940	211	0.863	256	0.851	301	0.924	346	0.982
32	0.807	77	0.694	122	0.788	167	0.931	212	0.851	257	0.863	302	0.931	347	0.972
33	0.786	78	0.688	123	0.779	168	0.920	213	0.841	258	0.876	303	0.937	348	0.961
34	0.765	79	0.682	124	0.768	169	0.909	214	0.833	259	0.890	304	0.942	349	0.948
35	0.743	80	0.678	125	0.756	170	0.897	215	0.827	260	0.905	305	0.945	350	0.934
36	0.723	81	0.675	126	0.743	171	0.885	216	0.824	261	0.920	306	0.946	351	0.920
37	0.703	82	0.672	127	0.729	172	0.873	217	0.823	262	0.934	307	0.945	352	0.905
38	0.685	83	0.671	128	0.714	173	0.862	218	0.825	263	0.948	308	0.942	353	0.890
39	0.670	84	0.670	129	0.699	174	0.851	219	0.828	264	0.961	309	0.937	354	0.876
40	0.656	85	0.669	130	0.685	175	0.842	220	0.834	265	0.972	310	0.931	355	0.863
41	0.646	86	0.669	131	0.671	176	0.834	221	0.842	266	0.982	311	0.924	356	0.851
42	0.638	87	0.669	132	0.659	177	0.828	222	0.851	267	0.990	312	0.915	357	0.841
43	0.634	88	0.669	133	0.648	178	0.825	223	0.861	268	0.995	313	0.905	358	0.833
44	0.633	89	0.669	134	0.640	179	0.823	224	0.872	269	0.999	314	0.894	359	0.827

Figure 2



ENGINEERING EXHIBIT
IN SUPPORT OF A PETITION FOR
RULE MAKING TO MODIFY
THE DTV TABLE OF ALLOTMENTS
STATION WFRV-DT GREEN BAY, WISCONSIN
CBS BROADCASTING, INC.

SUMMARY OF DTV INTERFERENCE STUDY

<u>Channel</u>	<u>Call Sign</u>	<u>City/State</u>	Distance From <u>Proposed</u> (km)	<u>Status</u>	Application Reference Number/Program <u>Reference Number</u>	Predicted New <u>Interference</u>	Percent of <u>Baseline</u>
24	WCGV-TV	Milwaukee, WI	138.6	CP	BPCT-19950629KH	0	0.0
24	WCGV-TV	Milwaukee, WI	138.6	LIC	BLCT-19920902KF	0	0.0
32	WACY	Appleton, WI	2.8	LIC	BMLCT-19990831LF	0	0.0
32	WACY	Appleton, WI	2.8	CP MOD	BMPCT-19990831LD	0	0.0
36	WMVT	Milwaukee, WI	137.8	CP	BPET-19940610KE	0	0.0
36	WMVT	Milwaukee, WI	137.6	LIC	BLET-19810501KE	0	0.0
38	WPNE	Green Bay, WI	8.6	LIC	BMLET-19920501KF	7,806	1.1
38	WPNE	Green Bay, WI	8.6	CP	BPET-20000222ABL	4,651	0.6
39	WAOE-DT	Peoria, IL	419.6	Allot.	DTVPLN-DTVP1030	0	0.0
39	WQRF-TV	Rockford, IL	246.4	LIC	BLCT-19960402KE	11,694	1.7
39	WZZM-DT	Grand Rapids, MI	201.2	CP	BPCDT-19991020ABR	20,546	1.7
39	WZZM-DT	Grand Rapids, MI	201.3	Allot.	DTVPLN-DTVP1034	14,141	1.2
39	WEAU-DT	Eau Claire, WI	239.0	Allot.	DTVPLN-DTVP1053	1,638	0.2
39	New	Marshfield, WI	239.0	Appl.	BPCT-19960220KF	0	0.0
40	WWTW-DT	Cadillac, MI	211.3	Allot.	DTVPLN-DTVP1069	0	0.0
40	WPXE-DT	Kenosha, WI	137.8	Appl.	BPCDT-19991012ABL	3,400	0.2
40	WPXE-DT	Kenosha, WI	174.9	Allot.	DTVPLN-DTVP1086	0	0.0
40	WSAW-DT	Wausau, WI	150.2	Appl.	BPCDT-19991029ADR	1,682	0.4
40	WSAW-DT	Wausau, WI	150.2	Allot.	DTVPLN-DTVP1087	1,682	0.4
46	WTPX	Antigo, WI	140.4	CP MOD	BMPCT-19980721KH	0	0.0

Figure 3